vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1007 OF 2006
IN
CHAMBER SUMMONS NO.838 OF 2005
IN
SUIT NO.716 OF 2005

M/s.Federal Impex ... Plaintiff

V/s.

Mohamed Azhar Alam & Anr. ... Defendants

Mr.G.H. Shukla i/b M/s.G.H. Shukla & Co. for Plaintiff
Mr.E.A. Sasi for Defendant No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 17, 2006**

P.C.:

. By consent, this Notice of Motion is taken on Board. This Motion is filed for setting aside the order dated 3.8.2005 passed in Chamber Summons No.838 of 2005 and for restoring the same to file. The Chamber Summons was dismissed as affidavit of service on the plaintiff was not filed by the defendant within the stipulated time. The reason for not filing the same has been mentioned in paragraph 2 of the affidavit in support of the Motion. It appears that the affidavit of service was duly affirmed on 3.8.2005 when the matter appeared on Board for hearing of the Chamber Summons. However, it was not filed on that particular day due to inadvertence.

2. Heard Counsel.

3. Notice of Motion allowed in terms of prayer clause (a) on payment of costs of Rs.2,000/- payable to the Maharashtra State Legal Services Authority within two weeks from today.

4. Motion stands disposed of accordingly.

vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.662 OF 2005
IN
SUIT NO.716 OF 2005

M/s.Federal Impex ... Plaintiff

V/s.

Mohamed Azhar Alam & Anr. ... Defendants

Mr.G.H. Shukla i/b M/s.G.H. Shukla & Co. for Plaintiff
Mr.E.A. Sasi for Defendant No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 17, 2006**

P.C.:

. The Notice of Motion No.1007 of 2006 for restoring the Chamber Summons has been allowed conditionally today. Hence, the Summons for Judgment is adjourned beyond vacation.